

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Consumer Information and
Disclosure

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CG Docket No. 09-158

**Comments of
Communications Workers of America**

Debbie Goldman
Kevin Mauro
501 Third St. N.W.
Washington, D.C. 20001
(202) 434-1194 (phone)
(202) 434-1201 (fax)
dgoldman@cwa-union.org

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The Communications Workers of America (“CWA”) submits these comments in response to the Public Notice seeking public comment on how the Commission should measure and implement “Need for Speed” information available to consumers of broadband services. CWA is a labor organization, representing more than 700,000 workers in communications, media, airlines, manufacturing and public service. CWA members have an interest in these proceedings as workers and as consumers.

In this Public Notice, the Commission asks how broadband speed information should be collected and how it should be presented to consumers so they are able to make informed decisions when shopping for broadband service. CWA has long-advocated for broadband providers to report “actual” speed data, rather than advertised or “up to” speeds.¹ Actual speeds give consumers and policymakers a better picture of the typical user experience. This allows customers to make more informed choices. CWA has been joined in past comments by groups such as Free Press and the New Jersey Division of Rate Counsel in recommending actual broadband speed reporting.²

There are a number of ways to collect and aggregate actual broadband speeds. CWA has noted in past comments that the Commission has a voluntary web-based broadband speed test on its own website, as well as a partnership in place with SamKnows to use scientific sampling methods to collect actual broadband speed data

¹ CWA Comments and Reply Comments, In the Matter of Modernizing the FCC Form 477 Data Program, Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership, Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Review of Wireline Competition Bureau Data Practices, WC Dockets Nos. 11-10, 07-38, 08-190, 10-132; Feb. 8, 2011 (“*Data Improvement NPRM*”); CWA Comments to U.S. Department of Commerce National Telecommunications and Information Administration and the U.S. Department of Agriculture Rural Utilities Service In the Matter of American and Reinvestment Act of 2009 Broadband Initiatives, Docket No. 090309298-9299-01 April 13, 2009.

² CWA Comments, Free Press Comments, New Jersey Division of Rate Counsel Comments, *Data Improvement NPRM*.

from users.³ Other methods of determining actual speeds would include a Commission requirement for providers to report a statistical sampling of average speeds and/or data contention ratios (the ratio of the potential maximum demand to the actual bandwidth available), or statistical modeling of the data collected on the Commission's voluntary web-based speed test.⁴

While some argue that there is no perfect way to determine actual broadband speeds throughout a network, the Commission has shown that there are responsible methods for getting close approximation of actual broadband speeds experienced by Internet users. Rather than delay public reporting of actual speeds in search of the perfect solution, the Commission should move forward with one or more of the methodologies enumerated above, carefully noting how the data is collected and making clear what it measures. The Commission should periodically re-evaluate the methodology.

CWA supports using the example of "Need for Speed" Information Presentation illustrated in the appendix of this Public Notice. It details the types of content that consumers could reasonably expect to use, and provides information on the bandwidth requirements and typical examples of each. For instance, a user can quickly look at the chart and see that watching a TV show on Hulu would be a standard-definition quality streamed video and require 1 to 5 Megabits per second in bandwidth. The Commission should post this information on the Commission's website.

The Commission also asks what the most effective way to get actual speed information to consumers might be. A simple and cost-efficient solution would be to

³ CWA Comments and Reply Comments, *Data Improvement NPRM*.

⁴ Comments of National Association of Telecommunications Officers and Advisors, WC Docket No. 07-38, July 17, 2008 at 4; Further Reply Comments, Consumer Federation of America Sept. 2, 2008 WC Docket No. 07-38 at 17.

create some kind of disclosure requirement, similar to miles per gallon requirements for automobiles or nutrition labeling on food. The Commission would require broadband providers to place actual speed information in a standardized format that becomes recognized for this purpose. It could be as simple as a box with a logo that shows the average upload and download speeds experienced on the network. This box would have to appear on all information about the providers' broadband service, including web posting, advertising, and disclosure statements sent to customers.

Consumers would receive multiple benefits from the disclosure of actual speed, while the cost to providers would be minimal. By creating a standard that is recognizable, the Commission would build a "brand" around this information, and over time consumers would know to look for this information and where to find it. Access to information regarding actual upload and download speeds will enable consumers to make informed decisions in selecting broadband service, which is essential to efficient functioning of a competitive marketplace.

Respectfully Submitted,

Debbie Goldman
Telecommunications Policy Director
Communications Workers of America

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